HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1845 of 2007

Dated:22.03.2007

Between:

S.V.R.Appa Rao.

…Petitioner

and

The District Level Committee and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1845 of 2007

ORDER:

The petitioner is aggrieved by the action of the respondents, namely, District Level Committee and District Panchayat Officer, East Godavari, Kakinada, in issuing auction notification, dated 26.01.2007 for leasing out sand reaches package Nos.6 and 14 of Bobbarlanka-Peravaram-Rajavaram of East Godavari, on left banks of Vasista and Vainatheya, as illegal, arbitrary and unjust.

The impugned auction notice is assailed mainly on the ground that the same is illegal being in violation of Rule 9(C)(1) of the Andhra Pradesh Minor Mineral Concession Rules, 1966, for not giving minimum 15 days time before conducting auction and also on the ground that while issuing notification, two sand reaches, which were earlier notified separately, were clubbed together. After getting instructions, the learned Assistant Government Pleader for Panchayat Raj submits that due to pendency of this writ petition, though auction was conducted on 02.02.2007, the same was not confirmed and that a temporary lease was granted up to 31.03.2007. Learned Counsel for the petitioner brought to the notice of this Court G.O.Ms.No.24, dated 12.02.2007, under which the Government transferred the sand quarry lease from the department of Panchayat Raj to the department of Mines and Geology. She relies on paragraph 24 of the said G.O., which is to the effect that all notifications already issued for leasing out sand reaches where auctions were not confirmed shall stand cancelled. In view of the orders of the Government in G.O.Ms.No.24, the respondents are precluded from proceeding further, as notifications

were already cancelled. This legal position is not denied by the learned Assistant Government Pleader. Therefore, this Court observes that till full effect is given to the orders of the Government in G.O.Ms.No.24, dated 12.02.2007, and as the auction notice was already published by the competent authority, the auction shall be kept on holding.

The Writ Petition, with the above observation, is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

22.03.2007
GJ